

REMARKS

Summary of the Office Action

Claims 1-8 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are directed to a recording medium storing descriptive material.

Claims 1-8 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by Khavakh et al. (US 2003/0028319 A1).

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al., in view of Sawabe et al. (US 2002/0176695 A1).

Summary of the Response to the Office Action

Claims 17-22 have been added. Claims 4-6 have been amended to be dependent upon claim 17. Claims 1, 2, 3, 7 and 8 have been cancelled without prejudice or disclaimer. Accordingly, claims 4-6 and 9-22 are presently pending for consideration.

All Claims Define Patentable Subject Matter under 35 U.S.C. § 101

Claims 1-8 stand rejected to under 35 U.S.C. § 101 because claims 1-8 are allegedly directed to a recording medium storing descriptive material. By way of the foregoing amendment, Applicants cancel claim 1 and provide new independent claim 17. Claims 2 and 3 that were dependent on original claim 1 are cancelled and claims 18 and 19, which both depend upon independent claim 17, are added by way of the foregoing amendment. Further, Applicants cancel claim 7 and provide new independent claim 20 in the foregoing amendment.

Furthermore, claim 8 that was dependent on original claim 7 is cancelled and claim 21, dependent on independent claim 20, is added by way of the foregoing amendment. Claim 22, which depends upon claim 20, is also added by the foregoing amendment.

Applicants respectfully submit that the recording medium of new independent claims 17 and 20 is statutory subject matter because the recording medium is defined in terms of its hardware and software combination. See MPEP § 2106. IV. B. 2. Accordingly, Applicants respectfully submit that independent claims 17 and 20 full comply with 35 U.S.C. § 101. Further, Applicants respectfully submit that dependent claims 4, 5, 6, 18, 19, 21 and 22 comply with 35 U.S.C. § 101 for at least the same reason as discussed above with regard to independent claims 17 and 20. Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 101 should be withdrawn.

All Claims Define Allowable Subject Matter under 35 U.S.C. § 102

Claims 1-8 stand rejected to under 35 U.S.C. § 102(e) as being anticipated by Khavakh et al. (US 2003/0028319 A1). To the extent that this rejection is considered to apply to new independent claim 17, a plurality of navigation information for maps having a same attribute are recorded on a same one of the plurality of recording layers amongst other features. Applicants respectfully submit that Khavakh et al. discloses a system in which roads are classified into rank and then each road is stored in a map database according to rank such that roads of the same rank are stored together in bands. In contrast to the recording layers recited in the present claims, the layers in Khavakh et al. are not recording layers within a recording medium. Khavakh et al. does

not have any disclosure with regard to where information should be stored in the recording layers of a recording medium. For at least the above reason, Applicants respectfully submit that independent claim 17, and hence dependent claims 4, 5, 6, 18 and 19, all recite a novel combination of features that are neither taught nor suggested by Khavakh et al.

To the extent that the 35 U.S.C. § 102(e) rejection may be considered to apply to new independent claim 20, the rejection is traversed as being based upon a reference that does not teach or suggest all of the features recited in the claims. For example, independent claim 20, and hence dependent claims 21 and 22, requires the feature of a plurality of areas on each of the recording layers, wherein each one of the plurality of navigation information for one of the plurality of maps is in a same area of at least two of the plurality of recording layers, amongst other features. As discussed above, Khavakh et al. discloses a system for storing roads in bands within a database rather than disclosing an apparatus in which information is stored in the recording layers of a recording medium. For at least the above reason, Applicants respectfully submit that independent claim 20 and hence dependent claims 21 and 22, all recite a novel combination of features that are neither taught nor suggested by Khavakh et al.

All Claims Define Allowable Subject Matter under 35 U.S.C. § 103

Claims 9-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Khavakh et al., in view of Sawabe et al. (US 2002/0176695 A1). The rejection is traversed as being based upon references that do not teach or suggest, either singly or in combination, all of the features recited in the claims 9-16. For example, independent claim 9, and hence dependent claims 10-14, are directed to an information reproducing apparatus for reproducing information from a recording medium having a plurality of recording layers, on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same one of the plurality of recording layers. In another example, independent claim 15, and hence dependent claim 16, is directed to an information reproducing apparatus for reproducing information from a recording medium having a plurality of recording layers, in which there are a plurality of areas and on each of which navigation information is recorded, wherein navigation information having a same attribute is recorded in a same area of each of the plurality of recording layers. To address these features, the Office Action asserts on page 5 that Khavakh et al. discloses an information reproducing apparatus in Fig. 1 for reproducing information from a recording medium having a plurality of recording layers, on each of which navigation information is recorded.

Applicants respectfully assert that Khavakh et al. discloses a system for storing roads in bands within a database rather than disclosing an apparatus in which information is stored in the recording layers of a recording medium, as discussed above. Accordingly, Applicants respectfully asserts that Khavakh et al. does not teach or suggest all of the features recited in

claims 9-16. Moreover, Applicants respectfully assert that the Office Action does not rely on Sawabe et al. to teach or suggest an arrangement of navigation information on the recording layers of a recording medium. Applicants submit that Sawabe et al. discloses an apparatus for reading a DVD but does not disclose where, how or what type of information is stored on the DVD. Thus, Sawabe et al. does not remedy the deficiencies of Khavakh et al. For at least these reasons, Applicants respectfully assert that the rejection of claims 9-16 under 35 U.S.C. 103(a) should be withdrawn.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached pages are captioned “**Version with markings to show changes made.**”

CONCLUSION

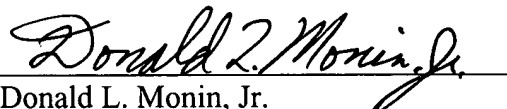
In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By:



Donald L. Monin, Jr.

Reg. No. 47,256

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Customer No.: 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-7000

Facsimile: 202-739-3001

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claims 1, 2, 3, 7 and 8 have been cancelled without prejudice or disclaimer.

Claims 4-6 have been amended as follows:

4. (Amended) The recording medium according to claim [±] **17**, wherein the plurality of navigation information includes route search data and location search data, and

wherein the route search data is recorded on one of the plurality of recording layers and the location search data is recorded on another one of the plurality of recording layers.

5. (Amended) The recording medium according to claim [±] **17**, wherein the plurality of navigation information includes map data, voice data associated with the map data, and voice data independent of map data, and

wherein the map data and the voice data associated with the map data are recorded on one of the plurality of recording layers and the voice data independent of the map data is recorded on another one of the plurality of recording layers.

6. (Amended) The recording medium according to claim [±] **17**, wherein the plurality of navigation information includes map data and voice data, and

wherein the map data is recorded on one of the plurality of recording layers and the voice data is recorded on another one of the plurality of recording layers.

Claims 17-22 have been added.